

1 HEATHER E. WILLIAMS, CA #122664  
Federal Defender  
2 CHARLES J. LEE, CA #221057  
Assistant Federal Defenders  
3 2300 Tulare Street, Suite 330  
Fresno, CA 93721-2226  
4 Telephone: (559) 487-5561  
Fax: (559) 487-5950  
5

Attorneys for Defendant  
6 RENE LOPEZ-GALVAN  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 RENE-LOPEZ-GALVAN,

15 Defendant.  
16

Case No. 1:99-cr-05338-DAD

EMERGENCY APPLICATION FOR ORDER  
SHORTENING TIME: ORDER

Date: April 9, 2021  
Time: 9:00 a.m.  
Judge: Hon. Dale A. Drozd

17  
18 Defendant Rene Lopez-Galvan applies for an order shortening time for the setting of his  
19 motion for miscellaneous relief. Dkt. #147. While the general criminal motions calendar filing  
20 deadlines are outlined in Local Rule 430.1, defense believes the government's actions in this  
21 case warrant a shortening of the applicable time periods – namely, after setting a restitution  
22 payment plan for Mr. Lopez-Galvan and thereby limiting the amount due and payable each  
23 month, the government the following week filed three writs of continuing garnishment in a  
24 blatant end around the Court's restitution order. Mr. Lopez-Galvan's banking accounts have  
25 now been frozen and his main checking account reflects a negative \$532,272.73 balance.  
26 Additionally, the writ applications materially omitted the fact the Court imposed a payment plan  
27 for Mr. Lopez-Galvan.

28 Because Mr. Lopez-Galvan now cannot meet his financial obligations and he runs the

1 risk of falling behind on his mortgage payment, vehicle payment, etc., and he cannot pay for his  
2 basic living necessities, urgent action is needed from this Court as soon as possible. Defense has  
3 spoken with USPO Molly McSorley who is in agreement that this matter should be heard  
4 promptly.

5 Defense requests any government response be due to later than April 7, 2021, and that  
6 this matter be heard on April 9, 2021, at 9:00 a.m.

7  
8 Respectfully submitted,

9 HEATHER E. WILLIAMS  
10 Federal Defender

11 Dated: April 5, 2021

/s/ Charles J. Lee  
12 CHARLES J. LEE  
13 Assistant Federal Defender  
14 Attorney for Defendant  
15 RENE LOPEZ-GALVAN

16 **ORDER**

17 Having reviewed defendant's application for an order shortening time (Doc. No. 148) and  
18 the declaration of defendant's counsel filed in support thereof (Doc. No. 149) attesting to the  
19 government counsel's refusal to stipulate to the shortening of time for the motion to be heard, the  
20 court finds good cause to shorten time and defendant's application for an order shortening time is  
21 therefore GRANTED. The government's written response to defendant's motion for  
22 miscellaneous relief is due by April 8, 2021, no later than 10:00 a.m., shall be limited to no more  
23 than ten pages in length, and shall address the legal authority upon which the government has  
24 relied in electing to proceed by way of writs of bank and wage garnishment while defendant is  
25 serving his term of supervised release and without mentioning that the court on March 19, 2021  
26 had granted a modification of the terms of supervised release and adopted the U.S. Probation  
27 Office's recommendation regarding the monthly restitution payment defendant could reasonably  
28 be required to make. Defendant's motion for miscellaneous relief shall be heard on April 9,

////

2021, at 10:30 a.m. by videoconference. The court will determine at that time whether any additional briefing addressing this issue is necessary.

IT IS SO ORDERED.

Dated: April 7, 2021

  
UNITED STATES DISTRICT JUDGE